

Planning & Zoning Commission
Public Hearing Minutes
October 20, 2014
5:45 p.m.
St. Mary Parish Courthouse Fifth Floor
Franklin, Louisiana

The Planning & Zoning Commission met on this date with Chairman Paul Gil presiding, and the following members present: Barry Druilhet, Deborah Tabor, Danny Lipari and Kimberly Cossey Saucier. Absent were Jimmy Wiley and James Bennett, Jr.

The purpose of the hearing was to receive written and/or oral comments relative to the following proposed Specific Use, Subdivision/Development and Rezoning of property:

Rezoning of Property by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District. Sec. 11 T15S R10E; Parcel Id#2354524018.00; 58.46 Ac Tract por of Rem 529.72 Ac Tract situated in Sec 11 T15S R10E BD Williams in and Sterling Sugars Inc-Sutter-Et Al-Teche-Sutter Et Al Acq 184 303579.

Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Eldridge Louviere, Ronald Louviere & Farrell Louviere to be acquired by Superior Construction & Equipment, LLC in an Agricultural (AG) Zoned District located at 256 Gibby Rd. & 348 Gibby Rd., Jeanerette, LA. Sec. 68 T13S R8E.

- 1755004023.00-35.425 Ac being Tract A per Plat 36F 242362 BD SPRR R/W L Veazey-A D Meyer Et Als-M A Patout & Son Acq. 36F 242362 and

- 1755004024.00-23.616 Ac Tract b per Plat 36D 241982 BD Tract A - L Veazey-M A Patout & Son M A Patout Acq. 229 309981.

Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Sam Siracusa to be acquired by National Oilweld in a Heavy Industrial (HI) Zoned District located at 1408 Siracusa Rd., Siracusa, LA. Sec. 8 T16S R13E.

-3374321011.00-4.99 ac por Tract A Joseph Walters et al Part per Plat NN 31344 situated in Sec. 8 T16S R13E between Siracusa Rd. and RR Acq. 22Q 183253 Improvement &

-3374321089.00-Lot por BD Ditch-Stansbury-Boeuf-Carr lying south of Siracusa Rd. Acq. 22Q 183253 Improvement.

Chairman Paul Gil read the request for Rezoning of Property by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District. Sec. 11 T15S R10E; Parcel Id#2354524018.00; 58.46 Ac Tract por of Rem 529.72 Ac Tract situated in Sec 11 T15S R10E BD Williams in and Sterling Sugars Inc-Sutter-Et Al-Teche-Sutter Et Al Acq 184 303579.

Mrs. Luke stated that the request for Rezoning of Property by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District will only be on the Public Hearing agenda and not on the Regular Meeting Agenda and that no action can be taken due to the Parish Council's action at their last meeting.

Mr. David Hanagriff, St. Mary Parish Councilman, appeared before the Planning & Zoning Commission to express opposition concerning no action in regards to Rezoning of Property by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District.

Mr. Hanagriff stated that his concern is that the request was tabled at the previous meeting until the next meeting.

Mrs. Luke stated that it would contradict what the Parish Council voted on at their previous meeting and that this decision was by the advice of legal counsel.

Mr. Hanagriff questioned legal counsel and whether this decision for no action is appropriate.

Mr. John Mouton, Attorney, stated that to do something inconsistent with the decision of the Parish Council concerning the rezoning of the property was decided that it would not be appropriate to rezone the property. It was decided to table the item pending further discussion with the administration and the Council Members as to whether it needs to be directed that the members recommend a rezoning.

Mr. Hanagriff stated that he understands the order in which this must take place. However, when an item is tabled and is to be placed on the next month's agenda, it should appear on that agenda. Mr. Hanagriff stated that his concern is that the item was removed from the agenda and not addressed.

Mr. Mouton stated that this was an administration's decision.

Mr. Hanagriff stated that his concern is that the Planning & Zoning Commission, at their previous meeting, tabled the item until the following meeting. Mr. Hanagriff questioned how someone else can make the decision not have the item appear on the next meeting's agenda.

Mr. Mouton stated that when the Parish Council voted to grant a permit which will require a multi-family zoning district to move forward, the administration and Mr. Mouton felt that the Council had made the decision that they did not want a rezoning consideration. Mr. Mouton stated that discussions were held within the last week as to whether or not to move forward with additional council vote to officially remove the request from the Planning & Zoning agenda.

Mr. Hanagriff stated that the Planning & Zoning Board could have made a decision to either table the item further until a request is received from the Parish Council to remove the request from the Planning & Zoning agenda or to hear the request and deny or grant the request. Mr. Hanagriff stated that he does not understand how administration has the authority to remove the item from the Planning & Zoning agenda. It should have been the decision of the Planning & Zoning Commission.

Mr. Mouton stated that the item was not advertised to have action taken on tonight's agenda.

Mr. Hanagriff asked Mr. Mouton to research the legal ramifications of the decision.

Mrs. Luke explained that administration did seek legal counsel for advice. This was not an administrative decision.

Mr. Hanagriff questioned the results of the legal advisor.

Mrs. Luke stated that legal counsel advice was to leave the request on the public agenda and that there can be public comment but not to take action on the item, to remove it from the agenda.

Mr. Hanagriff stated that administration took it among themselves to remove the item.

Mrs. Luke stated that based upon the decision of the Parish Council at their last meeting, the administration questioned whether it would contradict what the Parish Council wanted. Legal Counsel advised the administration how to handle the process.

Mr. Hanagriff stated that the argument is that the Planning & Zoning Commission tabled the item at their previous meeting to be heard at their next meeting, in which it should have been on the agenda for tonight. Mr. Hanagriff stated that the administration does not have authority to remove the item that was tabled by the Planning & Zoning Commission.

Mr. Druilhet questioned the motion.

Mr. Hanagriff stated that at the last Planning & Zoning meeting Mr. Druilhet made the motion to table the rezone request until the next Planning & Zoning meeting.

Mr. Druilhet stated that he made the motion to postpone the request to rezone property by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District.

Mr. Hanagriff stated that Mr. Druilhet made the motion to table the item until the next meeting.

Mr. Druilhet again stated that he made the motion to postpone the item until the next meeting or until all members were present.

Mr. Hanagriff stated that a full board was not present the first time the item was voted on.

Mr. Hanagriff stated that administration should not have removed the item from the agenda that the Planning & Zoning Board voted on, through a motion, to have it placed on tonight's agenda.

Mr. Gil explained that the Planning & Zoning Board is an advisory board to the Parish Council and that it was the decision of the Parish Council to return it to the Planning & Zoning Board. The Planning & Zoning Board tabled the item for several reasons. The Parish Council decided to approve Preliminary Development of the apartment complex.

Mr. Hanagriff stated that there is an order in which the request has to follow.

Mrs. Luke questioned Mr. Hanagriff's advice to the Planning & Zoning Board.

Mrs. Luke stated that she is looking for guidance for the Planning & Zoning Members.

Mr. Hanagriff stated that the request was made in a motion to be placed on the next meeting's agenda for discussion of which if the Parish Council voted to grant Preliminary Approval, then Mrs. Luke could have informed the board that the Parish Council voted for Preliminary Approval. Therefore, we are going to deny, approve or table the rezone request to a later date. Mr. Hanagriff feels that the Planning & Zoning Board should have been able to act on request that they tabled at their previous meeting.

Chairman Paul Gil read the request for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Eldridge Louviere, Ronald Louviere & Farrell Louviere to be acquired by Superior Construction & Equipment, LLC in an Agricultural (AG) Zoned District located at 256 Gibby Rd. & 348 Gibby Rd., Jeanerette, LA. Sec. 68 T13S R8E.

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Mrs. Luke presented a letter from Jones & Walker stating their opposition to the Rezone Request by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District.

Mrs. Tabor question Jones & Walker.

Mrs. Luke stated that Jones & Walker are the land owners attorney for the Rezone Request by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District.

Mrs. Tabor stated that the entire issue concerning the Rezone Request by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District is confusing.

Mrs. Luke reassured the Planning & Zoning Board members that the administration would not do anything that they were not legally advised to do.

Mr. Druilhet stated that there were other legal ramifications, including not having a full board that led to his decision to make the motion to postpone the request at the last meeting.

Mrs. Saucier questioned who received the letter in reference to the procedural issue.

Mrs. Luke stated that the property was retitled about two (2) years ago and that the program that the Planning & Zoning uses to gather information was not updated with the new information. Therefore, the certified letter was addressed to the prior name, New 90, LLC and not Adolphe B. LLC.

There being no further business, Chairman Paul Gil adjourned the Public Hearing.

s/g Paul Gil
Chairman Paul Gil
St. Mary Parish Planning and Zoning Commission